IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Crl.Rev.Pet.No. 309 of 2004(Y)

CRA.925/2002,ADDL. SESSIONS COURT, ERNAKULAM
CC.973/1999 of JUDL.MAGISTRATE OF FIRST CLASS, KOLENCHERRY

REVN. PETITIONER: APPELLANT

A.K.VARKEY S/O. KURIAN,
ELAMTHARAPUTHANPURAYIL, MAMALA P.O.,
MURIMANGALAM, ERNAKULAM.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

2. SUNIL KUMAR C.P., CHAMILLIMADATHIL HOUSE
MATTAKUZHI KARA, VARIKOLI P.O.

BY PUBLIC PROSECUTOR SHRI C.K. SURESH R1
BY ADV. SMT.AATHIRA T.DAS

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 309 OF 2004

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Dated this the 31st day of January, 2007

O R D E R

Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act in C.C. No.973 of 1999 on the file of the Judicial First Class Magistrate, Kolenchery. Conviction and sentence were confirmed by the learned Additional Sessions Judge, Ernakulam in Crl. Appeal No.925 of 2002. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter has been settled out of court. Parties have filed Crl. M.A. No.1109 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set

aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

4TH JANUARY, 2007